



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

SENATE BILL NO. 144

WEDNESDAY, MARCH 14, 2012

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE April 11, 2012
5:55pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY [Signature]

1 AN ACT relating to electronic prescribing.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 217.005 TO 217.215 IS CREATED
4 TO READ AS FOLLOWS:

5 (1) Electronic prescribing of a drug or device under this chapter shall not interfere
6 with a patient's freedom to select a pharmacy.

7 (2) Electronic prescribing software used by a practitioner to prescribe a drug or
8 device under this chapter may include clinical messaging and messages in pop-up
9 windows directed to the practitioner regarding a particular drug or device that
10 supports the practitioner's clinical decision making.

11 (3) Drug information contained in electronic prescribing software to prescribe a
12 drug or device under this chapter shall be consistent with Food and Drug
13 Administration-approved information regarding a particular drug or device.

14 (4) Electronic prescribing software used by a practitioner to prescribe a drug or
15 device under this chapter may show information regarding a payor's formulary,
16 copayments, or benefit plan, provided that nothing in the software is designed to
17 preclude a practitioner from selecting any particular pharmacy or drug or device.

18 (5) Within twenty-four (24) months of the National Council for Prescription Drug
19 Programs developing and making available national standards for electronic
20 prior authorization, each governmental unit of the Commonwealth promulgating
21 administrative regulations relating to electronic prescribing shall consider such
22 electronic prescribing and electronic prior authorization standards in its
23 implementation of health information technology improvements as required by
24 the Medicare Prescription Drug, Improvement, and Modernization Act of 2003
25 and the Health Information Technology for Economic and Clinical Health Act,
26 enacted as part of the American Recovery and Reinvestment Act of 2009.

27 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO

1 READ AS FOLLOWS:

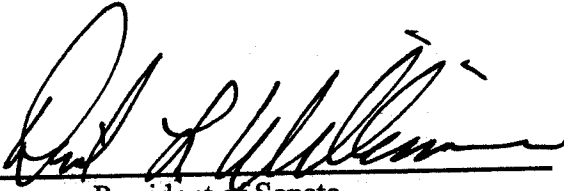
2 (1) Electronic prescribing of a controlled substance under this chapter shall not
3 interfere with a patient's freedom to select a pharmacy.

4 (2) Electronic prescribing software used by a practitioner to prescribe a controlled
5 substance under this chapter may include clinical messaging and messages in
6 pop-up windows directed to the practitioner regarding a particular controlled
7 substance that supports the practitioner's clinical decision making.

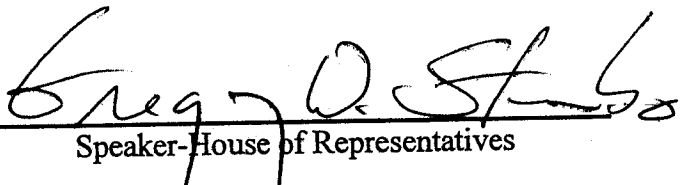
8 (3) Drug information contained in electronic prescribing software to prescribe a
9 controlled substance under this chapter shall be consistent with Food and Drug
10 Administration-approved information regarding a particular controlled
11 substance.

12 (4) Electronic prescribing software used by a practitioner to prescribe a controlled
13 substance under this chapter may show information regarding a payor's
14 formulary, copayments, or benefit plan, provided that nothing in the software is
15 designed to preclude a practitioner from selecting any particular pharmacy or
16 controlled substance.

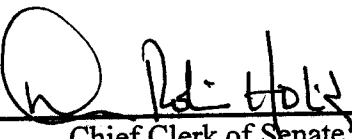
17 (5) Within twenty-four (24) months of the National Council for Prescription Drug
18 Programs developing and making available national standards for electronic
19 prior authorization, each governmental unit of the Commonwealth promulgating
20 administrative regulations relating to electronic prescribing shall consider such
21 electronic prescribing and electronic prior authorization standards in its
22 implementation of health information technology improvements as required by
23 the Medicare Prescription Drug, Improvement, and Modernization Act of 2003
24 and the Health Information Technology for Economic and Clinical Health Act,
25 enacted as part of the American Recovery and Reinvestment Act of 2009.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 4-11-12